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LATHAM & WATKINS LLP

June 20, 2024

VIA ECF

The Honorable Philip M. Halpern
United States District Judge
Southern District of New York
Hon. Charles L. Brieant Jr. Federal Building and Courthouse
300 Quarropas Street, Room 520
White Plains, New York 10601

Re: *Allele Biotechnology and Pharmaceuticals, Inc. v. Regeneron
Pharmaceuticals Inc.*, Case No. 7:20-cv-08255 (PMH) (AEK) (S.D.N.Y.) –
Letter-Motion to Seal April 10, 2024 Pre-Motion Conference Transcript

Dear Judge Halpern:

On behalf of Defendant Regeneron Pharmaceuticals, Inc. (“Regeneron”) in the above-captioned matter, I write pursuant to Rule 5.B. of Your Honor’s Individual Practices in Civil Cases to request the Court’s approval to seal and file in redacted form the transcript of proceedings regarding the pre-motion conference held on April 10, 2024 (Dkt. No. 170) (“Pre-Motion Conference Transcript”). The Pre-Motion Conference Transcript includes information that Regeneron has designated as Highly Confidential. The proposed redactions to the Pre-Motion Conference Transcript, attached hereto as Exhibit A, are consistent with redactions the Court has already approved in the papers leading up to the Pre-Motion Conference (Dkt. No. 168, granting Letter-Motions to Seal at Dkt. Nos. 152, 155, & 159). The information redacted in the Pre-Motion Conference Transcript is Highly Confidential, and should be filed under seal with the Court. Plaintiff Allele Biotechnology and Pharmaceuticals, Inc. (“Allele”) does not oppose this motion.

Application to seal the transcript of proceedings of the April 10, 2024 conference under seal and file the redacted form of the transcript to the public docket is granted.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
June 27, 2024

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In the Second Circuit, courts may exercise “discretion in determining whether good cause exists to overcome the presumption of open access to documents filed” *Geller v. Branick Int’l Realty Corp.*, 212 F.3d 734, 738 (2d Cir. 2000). In evaluating a party’s request to file under seal, courts balance the competing interests of the presumption of public access to judicial documents against “countervailing factors,” including the “privacy interests of those resisting disclosure.” *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-120 (2d Cir. 2006); *see also Ramirez v. Temin & Co., Inc.*, 2020 WL 6781222, at *3 (S.D.N.Y. Nov. 18, 2020) (“The presumption of access may be outweighed when there are considerations of the need to conceal confidential business information that could harm a defendant’s competitive position or reveal a trade secret.”). Protecting sensitive business information is among the “‘higher values’ consistently recognized by courts in this Circuit” as a “‘countervailing factor’ that can prevail over the presumption of public access.” *CBF Industria de Gusa S/A v. AMCI Holdings, Inc.*, 2021 WL 4135007, at *4 (S.D.N.Y. Sept. 10, 2021).

Regeneron respectfully requests that the Pre-Motion Conference Transcript be filed under seal. In accordance with Rule 5.B. of Your Honor’s Individual Practices in Civil Cases, the proposed redactions will be contemporaneously filed under seal in the ECF system and related to this Letter-Motion to Seal, which will be filed in public view. Because the Pre-Motion Conference Transcript will not be made public until August 28, 2024, should Your Honor like to review the redacted version of that transcript, Regeneron is happy to provide a copy via email to Your Honor, copying all counsel of record.

Thank you for your time and consideration.

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Respectfully submitted,

/s/ Michael Morin

Michael A. Morin (admitted *pro hac vice*)
of LATHAM & WATKINS LLP

cc: All Counsel of Record (via ECF)